

REMARKS

In the Notification of Non-Compliance dated October 17, 2002, the appeal brief filed on June 28, 2002 was found defective. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

The notification indicates that the appeal brief was not filed in triplicate. Attached to this response is a copy of the postcard receipt for the appeal brief filed on June 28, 2002 indicating that the brief was filed in triplicate.

The notification indicates that the brief does not contain a correct copy of the appealed claims as claim 40 refers to step A. Applicants respectfully point out that the claims in the appendix in the June 28, 2002 appeal brief are correct. The reference in the notification to claim 40 refers to an issue not previously noticed by the Examiner or the applicant's representative. The above amendments to claim 40 should resolve this issue. As suggested by Examiner Le during the November 15, 2002 telephone conference, three copies of a new appeal brief are attached which include the above amendments to claim 40.

The appeal brief has also been revised to change the numbering of the headings as suggested by Examiner Le, to refer to the specification by page and line number, and to address the 35 USC §112, second paragraph issue which applicants previously believed had been withdrawn. In view of the above amendments and the attached copies of the appeal brief, applicants believe that appeal brief complies with 37 CFR §1.192(c).

In the event that this document is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2300, along with any other fees which may be required with respect to this response.

Respectfully submitted,
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Attachments: Marked Up Copy of Claims

MARKED UP CLAIMS FOR 09/588,553

40. (Amended) The method according to claim 39, further comprising adding calcium ions [in step A] when mixing said sample containing said member with the purified receptor specific for a phospholipid.